

Notice of Allowability

Application No.

10/717,903

Examiner

Susan D. Coe

Applicant(s)

SCHMID ET AL.

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and response filed November 16, 2005.
2. ☒ The allowed claim(s) is/are 1-10, 15 and 16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Susan D. Coe
12-7-05
Susan D. Coe
Primary Examiner
Art Unit: 1655

OK to Enter
5826 12/17/05

IN THE CLAIMS

1. (currently amended): Method for treating diarrhoea in mammals ~~or for preventing diarrhoea in young mammals normally subject to diarrhoea~~ which comprises administering to the mammals an effective daily amount of a composition comprising, as active component, phytosterols and/or pentacyclotriterpenes as present in or derived from Shea oil.
2. (previously presented): Method according to Claim 1 wherein the mammals are weaning piglets or weaning babies.
3. (previously presented): Method according to Claim 1 wherein the phytosterols and/or pentacyclotriterpenes have a composition corresponding with the shea sterols or shea pentacyclotriterpenes as present in shea olein.
4. (original): Method according to Claim 3 wherein the shea sterols or pentacyclotriterpenes comprise more than 50 wt % of 4,4-dimethylsterols or 4,4-dimethyl pentacyclotriterpenes selected from the group consisting of alpha-amyrin, beta-amyrin, butyrospermol and lupeol.
5. (previously presented): Method according to Claim 1 wherein the phytosterols are hydroxysterols.
6. (original): Method according to Claim 1 wherein the effective amount is 0.005 to 5 grams/kg body weight of mammal per day.
7. (original): Method according to Claim 1 wherein the active phytosterols and/or pentacyclotriterpenes are administered as part of the food or feed for the mammal.
8. (original): Method according to Claim 7 wherein the food or the feed contains 0.001 to 85 wt% of the active component.